UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK ----- X OF A FEATHER, LLC, Plaintiff, : 19cv9351 (DLC) -v-ALLEGRO CREDIT SERVICES, LLC, Defendant. ALLEGRO CREDIT SERVICES, LLC, Plaintiff, : 20cv2622 (DLC) -v-SCHEDULING ORDER OF A FEATHER, LLC, JARED STAMMELL, and : SUSAN STAMMELL, Defendants. : ----- X

DENISE COTE, District Judge:

As set forth at the telephonic pretrial conference held pursuant to Rule 16, Fed. R. Civ. P., on September 4, 2020, the following schedule shall govern the further conduct of pretrial proceedings in this case:

- 1. Any joint request for a jury trial must be filed by **Friday**, **September 11**, **2020**.
- 2. The parties shall comply with their Rule 26(a)(1), Fed. R. Civ. P., initial disclosure obligations by **September 11**.
- 3. The parties are instructed to contact the chambers of Magistrate Judge Barbara Moses prior to **September 11** in order to schedule settlement discussions under her supervision to occur in **December 2020**.

- 4. All fact discovery must be completed by January 29, 2021.
- Pursuant to Rules 30(b)(3) and (b)(4), Fed. R. Civ. P., all 5. depositions in this action may be taken via telephone, videoconference, or other remote means, and may be recorded by any reliable audio or audiovisual means. This Order does not dispense with the requirements set forth in Fed. R. Civ. P. 30(b)(5), including the requirement that, unless the parties stipulate otherwise, the deposition be "conducted before an officer appointed or designated under Rule 28," and that the deponent be placed under oath by that officer. For avoidance of doubt, however, a deposition will be deemed to have been conducted "before" an officer so long as that officer attends the deposition via the same remote means (e.g., telephone conference call or video conference) used to connect all other remote participants, and so long as all participants (including the officer) can clearly hear and be heard by all other participants.
- 6. The Joint Pretrial Order must be filed by February 19.

As described in this Court's Individual Practices in Civil Cases, the following documents must be filed with the Pretrial Order: Proposed Findings of Fact and Conclusions of Law and a Memorandum of Law addressing all questions of law expected to arise at trial. Any responsive papers are due one week thereafter. In the event a party does not file a Memorandum of Law, a responsive Memorandum of Law should not be submitted unless in reply to an unanticipated legal argument in the other party's Memorandum of Law.

All direct testimony except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a witness for whom a party has requested and the Court has agreed to hear the direct testimony at trial, shall be submitted by affidavits served, but not filed, with the Joint Pretrial Order.

Those portions of depositions that are being offered as substantive evidence, along with a one page synopsis (with transcript citations) of such testimony for each deposition, shall be exchanged at the time the Pretrial Order is filed.

Three days after submission of the affidavits, counsel for each party shall submit a list of all affiants that he or she intends to cross-examine at the trial. Affiants for whom such notice is not given are not required to be present at trial.

At the time the above-described documents are filed or served, counsel shall also send a complete set of the documents to the Court's Chambers email: Cotenysdchambers@nysd.uscourts.gov. The case name, case number, and email contents should be clearly set forth in the email's subject line.

IT IS HEREBY ORDERED that since the parties have consented to a consolidation of these two cases, the above-captioned cases shall be consolidated under 19cv9351 for all further proceedings.

IT IS FURTHER ORDERED that this case is placed on a trial ready calendar for March 8, 2021.

Dated: New York, New York September 8, 2020

United States District Judge